

Richard E. Spoonemore, *Pro Hac Vice*
Eleanor Hamburger, *Pro Hac Vice*
SIRIANNI YOUTZ SPOONEMORE HAMBURGER PLLC
3101 Western Avenue, Suite 350
Seattle, WA 98121
Tel. (206) 223-0303
Email: rspoonemore@sylaw.com
Email: ehamburger@sylaw.com
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CORLYN DUNCAN and BRUCE DUNCAN,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

THE ALIERA COMPANIES, INC., f/k/a ALIERA
HEALTHCARE, INC., a Delaware corporation; and
TRINITY HEALTHSHARE, INC., a Delaware
corporation,

Defendants.

Civil Case No. 2:20-CV-00867-TLN-KJN

[Assigned to the Hon. Troy L. Nunley]

**STIPULATION AND ORDER RE:
FILING OF AMENDED
COMPLAINT AND FOR AN
EXTENSION OF TIME UNDER THE
INITIAL PRETRIAL SCHEDULING
ORDER**

Action Filed: April 28, 2020

**STIPULATION RE: FILING OF AMENDED COMPLAINT AND FOR AN
EXTENSION OF TIME UNDER THE INITIAL PRETRIAL SCHEDULING ORDER**

Plaintiffs Corlyn Duncan and Bruce Duncan (“Plaintiffs”) and Defendants The Alieria Companies Inc. (“Alieria”) and Trinity Healthshare, Inc. (“Trinity”) (collectively, the “Parties”), by and through their undersigned counsel, hereby enter into the following stipulation to (a) permit Plaintiffs to amend their Complaint and (b) to modify the Court’s April 28, 2020 Initial Pretrial Scheduling Order (the “Scheduling Order”). The parties request the Court enter an Order

1 permitting the Plaintiffs to file the Amended Complaint attached as **Appendix A** in redline format
2 and modifying the Scheduling Order as follows:

3 **WHEREAS**, Plaintiffs filed their Class Action Complaint against Defendants in the
4 United States District Court for the Eastern District of California, Case No. 2:20-cv-867-TLN-
5 KJN, on or about April 28, 2020. Plaintiffs served both Defendants Alera and Trinity with the
6 Complaint on April 29, 2020;

7 **WHEREAS**, the Court issued the Scheduling Order on April 28, 2020, which states, in
8 relevant part, that the Parties shall confer as required by Federal Rule of Civil Procedure 26(f)
9 within sixty (60) days of service of the Complaint. (Dkt. 3, § III.) The current deadline for the
10 Parties to confer is June 29, 2020;

11 **WHEREAS**, Defendants Alera and Trinity each filed a Motion to Dismiss, or
12 alternatively, Compel Arbitration, on June 10, 2020, in response to Plaintiffs' Complaint. Both
13 Motions to Dismiss are set for hearing on August 20, 2020;

14 **WHEREAS**, good cause exists to allow Plaintiffs to file the Amended Complaint adding
15 an additional defendant, OneShare Health LLC, formerly known as Unity Healthshare LLC, and
16 revising the Complaint to address issues raised by defendant Trinity in its Motion to Dismiss,
17 pursuant to Fed. R. Civ. P. 15(a) and 16(b). Plaintiffs provided Defendants with a draft of the
18 proposed Amended Complaint. After they reviewed the Amended Complaint, defendants
19 consented to its filing. This filing is timely under the Scheduling Order;

20 **WHEREAS**, good cause exists to continue the Parties' deadline to confer under Rule
21 26(f) until sixty (60) days after service of the additional defendant, so that all defendants may
22 participate in a single Rule 26(f) conference;

23 **WHEREAS**, the Parties stipulate and agree that Defendants Alera and Trinity's
24 respective Motions to Dismiss Plaintiffs' Complaint will be taken off calendar upon the filing of
25 Plaintiffs' Amended Complaint, and Defendants' deadline to respond to Plaintiffs' Amended
26

1 Complaint will be twenty-one (21) days after service of the Amended Complaint upon OneShare
2 Health LLC;

3 **WHEREAS**, the Parties have not previously requested an extension of time under the
4 Scheduling Order to confer as required by Rule 26(f);

5 **NOW, THEREFORE**, the Parties, by and through their counsel of record, hereby
6 stipulate and request that this Court find good cause to (a) permit Plaintiffs to file the Amended
7 Complaint attached in Appendix A; (b) set Defendants Alieria and Trinity's deadline to file a
8 responsive pleading at twenty-one (21) days after service of the Amended Complaint on OneShare
9 Health LLC; and (c) modify the Scheduling Order and continue the deadline to confer under
10 Rule 26(f) until sixty (60) days after the additional defendant is served.

11 Dated: June 26, 2020

SIRIANNI YOUTZ
SPOONEMORE HAMBURGER PLLC

12 By: /s/ Eleanor Hamburger
13 Eleanor Hamburger
14 *Attorneys for Plaintiffs*
CORLYN DUNCAN and BRUCE DUNCAN

15 *The filer, Eleanor Hamburger, attests that the other*
16 *signatories listed, on whose behalf the filing is*
17 *submitted, concur in the filing's content and have*
authorized the filing.

18 Dated: June 26, 2020

BURR & FORMAN LLP

19 By: /s/ Alan D. Leeth
20 Alan D. Leeth
21 *Attorneys for Defendant*
THE ALIERA COMPANIES INC.

22 Dated: June 26, 2020

BAKER & HOSTETLER LLP

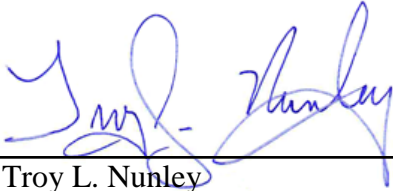
23 By: /s/ Elizabeth M. Treckler
24 Elizabeth M. Treckler
25 *Attorneys for Defendant*
TRINITY HEALTHSHARE, INC.
26

ORDER

Pursuant to the stipulation of the Parties, and finding good cause thereon, the Court orders that Plaintiffs may file their Amended Complaint; that Defendants Alieria and Trinity shall have twenty-one (21) days from the date of service of the Amended Complaint on OneShare Health LLC to file any responsive pleading; and that Section III of the Initial Pretrial Scheduling Order (Dkt. 3) shall be modified to extend the Parties' deadline to confer under Federal Rule of Civil Procedure 26(f) until sixty (60) days after the additional defendant in the Amended Complaint is served.

IT IS SO ORDERED.

DATED: June 26, 2020



Troy L. Nunley
United States District Judge